

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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Mimi Corp & Mary Gargano	:	
& the Estate of Mary Gargano	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	
	:	
Underwriters at Lloyds, London, England	:	No.: 02-CV-2726
Defendant,	:	
	:	
v.	:	
	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

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**ORDER**

**AND NOW**, this                    day of                   , 2002, upon consideration of the Motion of Defendant Underwriters at Lloyds, London, England, and responses thereto, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED**. Additional Defendants Young Adjustment Company, Inc. and Gregory R. Coe, are ordered to provide self-executing discovery pursuant to Rule 26 of the Federal Rules of Civil Procedure, and to provide a full and complete response to defendant's Request for Production of documents within ten (10) days of the date of this Order or risk the imposition of further sanctions.

**BY THE COURT:**

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J.

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Underwriters at Lloyds, London, England	:	No.: 02-CV-2726
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Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

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**MOTION OF DEFENDANT UNDERWRITERS AT LLOYDS, LONDON, ENGLAND  
TO COMPEL DISCOVERY OF ADDITIONAL DEFENDANTS YOUNG ADJUSTMENT  
COMPANY AND GREGORY R. COE**

1. This lawsuit arises from a claim for insurance proceeds from a fire loss occurring on May 12, 2000 at a restaurant known as Mimi's, located at 9242 Delaware Avenue, Philadelphia, Pennsylvania.
2. At the time of the fire, the contents only of the restaurant were insured through Underwriters at Lloyds, London, England.
3. Several days after the fire, Underwriters issued a check to the plaintiffs in the amount of twenty thousand dollars (\$20,000) as an initial payment for damages incurred in the fire, and plaintiffs were to submit a final account once those damages were fairly and accurately determined.

4. Plaintiffs hired Additional Defendant Young Adjustment Company, a public adjustment company in the business of assisting people and entities in preparing claims to submit to an insurer to recover for losses suffered in a covered incident, in this case the fire at Mimi's.

5. Additional Defendant Gregory R. Coe was employed by Young Adjustment Company and assisted the plaintiffs in preparing their claim for submission to Underwriters.

6. Defendant, Underwriters at Lloyds, London, England, has asserted that the insurance claim submitted by the additional defendants and the plaintiffs was grossly inflated and without the necessary documentation to support the claim.

7. On July 10, 2002, counsel for defendant, Underwriters at Lloyds, London, England, forwarded discovery requests, including a Request for Production of Documents, to counsel for additional defendants. A copy of the July 10, 2002, letter is attached as Exhibit A.

8. On August 13, 2002, counsel for defendant, Underwriters at Lloyds, London, England, forwarded a letter to counsel for additional defendants seeking responses to the discovery requests forwarded on July 10, as well as seeking the self-executing discovery required under Rule 26 of the Federal Rules of Civil Procedure. A copy of the August 13, 2002, letter is attached as Exhibit B.

9. To date, the additional defendants have failed to provide the self-executing discovery as required by the Federal Rules of Civil Procedure.

10. To date, the additional defendants have failed to provide any response to defendant's Request for Production of Documents.

WHEREFORE, defendant, Underwriters at Lloyds, London, England, respectfully request this Honorable Court to enter an Order compelling additional defendants, Young Adjustment Company, Inc. and Gregory R. Coe, to provide self-executing discovery pursuant to

Rule 26 of the Federal Rules of Civil Procedure, to provide a full and complete response to defendant's Request for Production of documents, and any sanctions that this Honorable Court deems just and necessary for additional defendants' failure to comply with Rule 26 of the Federal Rules of Civil Procedure.

Respectfully submitted,

**GIBLEY AND McWILLIAMS, P.C.**

By: \_\_\_\_\_

John Reed Evans, Esquire  
Attorney for Defendant,  
Underwriters at Lloyds, London, England  
Identification Number: 61899  
610 E. Baltimore Pike, Suite 200  
Media, PA 19063  
Ph.: 610-627-9500  
Fax: 610-627-2400  
Email: [jevans@gibleylaw.com](mailto:jevans@gibleylaw.com)

Dated: September 9, 2002

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	:	
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	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

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**CERTIFICATE OF SERVICE**

I, John Reed Evans, Esquire, hereby certify that a copy of the attached Motion of Defendant Underwriters at Lloyds, London, England To Compel Discovery of Additional Defendants Young Adjustment Company, Inc. and Gregory R. Coe has been served upon the following individual by first class, United States mail, postage pre-paid, this 9<sup>th</sup> day of September, 2002.

Norman W. Briggs, Esq. Frey Petrakis Deeb Blum Briggs & Mitts, P.C. 1601 Market Street, Sixth Floor Philadelphia, PA 19103	Michael Stack, Jr., Esq. Stack & Stack, P.C. 1600 Locust Street Philadelphia, PA 19103
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**GIBLEY and McWILLIAMS, P.C.**

By: \_\_\_\_\_

John Reed Evans, Esquire  
Attorney for Defendant,  
Underwriters at Lloyds, London, England  
Identification Number: 61899  
610 E. Baltimore Pike, Suite 200  
Media, PA 19063  
Ph.: 610-627-9500  
Fax: 610-627-2400  
Email: [jevans@gibleylaw.com](mailto:jevans@gibleylaw.com)

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**CERTIFICATE OF GOOD FAITH**

The undersigned counsel for movant hereby certifies and attests that he has had the contacts described below with opposing counsel regarding the discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description:

July 10, 2002 letter forwarding discovery requests.

August 13, 2002 letter requesting response to discovery requests and self-executing discovery pursuant to F.R.C.P. Rule 26.

CERTIFIED TO THE COURT BY:

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John Reed Evans, Esquire  
Attorney for Defendant,  
Underwriters at Lloyds, London, England